

**Department of Public Health (Department)/Office of Emergency Medical Services (OEMS)**  
**Complaint Investigation Report # 08-0705**

**Name:** Town of Hamilton, Hamilton Police Department Ambulance Service

**Date Received:** July 25, 2008

**Date Investigation Begun:** August 27, 2008

**Investigators:** Renée D. Lake, EMT-Paramedic, OEMS compliance coordinator  
M. Thomas Quail, RN, OEMS clinical coordinator  
Brendan Murphy, EMT-Basic, OEMS investigator

**Records Reviewed:**

- a. Complaint
- b. OEMS EMT Registry for applicable parties
- c. Continuing education records
- d. Training Rosters, 2005, 2006, 2007
- e. Hamilton Police officer duty records for 2005, 2006, 2007
- f. Injured on Duty report, dated 3/31/2008
- g. Memorandum of Agreement with Beverly Hospital, 2007
- h. Letter from Beverly Hospital to Hamilton Police Department Ambulance Service, December 20, 2007

**Interviews:**

1. David Mastrianni, EMT-P, police officer, EMS Training Officer
2. Walter Cullen, EMT-Basic, Chief of Police
3. Robert Nyland, EMT-Basic, Lieutenant,
4. Michael Marchand, EMT-Basic, police officer
5. Mary Stocking, former dispatcher, Town of Hamilton
6. Candace Wheeler, Town of Hamilton Administrator
7. Charles Downey, EMT-Basic, police officer
8. Scott Frost, EMT-Basic, police officer
9. Andrew Neill, EMT-Basic, police officer
10. Robert Sullivan, EMT-Basic, police officer
11. Keith Holloran, EMT-Basic, police officer
12. Joe Achadinha, EMT-Basic, police officer
13. Dana Martin, EMT-Basic, police officer
14. Kent Richards, EMT-Basic, police officer
15. Richard Barthelmess, EMT-Basic, police officer
16. Karen Wallace, EMT-Basic, police officer
17. Matthew Donovan, EMT-Basic, police officer
18. Stephen Walsh, EMT-Basic, police officer
19. Michael Wetson, EMT-Basic, police officer
20. Kenneth Nagy, EMT-Basic, police officer
21. Scott Janes, EMT-Basic, police officer
22. Arthur Hatfield, EMT-Basic, police officer
23. Brian Shaw, EMT-Basic, police officer
24. Stephen Trepanier, EMT-Basic, police officer
25. Mark Millet, EMT-Paramedic, EMS Coordinator, Beverly Hospital

**Allegations:**

1. EMT refresher and continuing education courses in 2006 and 2007 sponsored by Hamilton Police Department Ambulance Service (the Service) for its EMTs were either never or partly held. EMTs falsely signed attendance rosters for these classes and recertified on that basis. As a result, EMTs were not properly trained and certified.
2. The Service had a practice of similarly not running EMT refresher and continuing education courses in compliance with Department requirements, and having its EMTs falsely sign rosters and recertify on that basis, at least as far back as 2000.
3. In the course of the investigation, the Service failed to comply with a number of licensure requirements.

**Background of Investigation:**

The Department received a complaint specifically alleging that refresher and continuing education classes sponsored by the Hamilton Police Department Ambulance Service (the Service) in 2006 and 2007 were either never held or only partly held, and that EMTs were allowed to sign official OEMS attendance rosters falsely claiming they had fully attended classes. The complainant alleged that the Service submitted the attendance rosters to OEMS for EMTs to obtain credits toward recertification. As a result, the complainant alleged that many of the individuals assigned to provide EMS for the Service are not properly trained. The complainant additionally alleged that prior to 2006, EMT training sponsored by the Service for its EMTs had never been held or only partly held and attendance rosters had routinely been falsified and submitted to the Department for EMTs to get credit towards recertification. The Department conducted an investigation in accordance with 105 CMR 170.795. In the course of the investigation, the Department came across information leading to the investigation of allegation #3.

The Department issued a license to the Town of Hamilton for its police department to operate an ambulance service at the basic life support (BLS) level. Under the governing regulations, EMT-Basics must complete supplemental training in order to be recertified every two years. This training consists of a Department-approved EMT-Basic refresher training course and a minimum of 28 additional hours of Department-approved continuing education courses. The Department's Training Manual, which contains specific requirements for the conduct and administration of Department-approved EMT training, requires EMTs to sign attendance rosters which document that they have fully attended the course and qualify for credit toward recertification. Attendance rosters are typically signed at the conclusion of the course. The instructor also signs each roster, attesting that the document is a true record of attendance and submits the rosters to the Department. Toward the end of their two-year certification period, EMTs submit to the Department a recertification application, on which they attest that they have met the requirements for certification.

The Service has for many years annually applied for, and received, Department approval to conduct a 24-hour EMT-Basic refresher course for the EMTs who staff the Service's ambulances. For continuing education, the Service used Department-approved EMS video training courses. The Service, as the entity holding these training courses, was responsible for scheduling the sessions, showing the videos, administering the written exam, and submitting the attendance rosters to the Department. EMT training course sponsors such as the Service must administer and conduct training in accordance with the Training Manual. For refresher training, the Training Manual requires that the course include a written exam and practical skills testing, and that the training instructor document numeric grades from these assessments on the attendance roster next to each EMT's name and signature.

**Summary of Investigation:** Based on its investigation, the Department made the following findings:

**Allegation 1, re: 2006 refresher training and 2006/2007 continuing education courses:**

- EMT-Paramedic David Mastrianni was assigned the role of EMS Training Officer in charge of EMT training by the Service. He served in this role for 15 years and recently left the Service. He was supervised by Lt. Robert Nyland.

- In 2006, Mastrianni scheduled an EMT-Basic refresher course and several continuing education classes to take place during November and December. Of the four EMT-Basic refresher course sessions, Mastrianni only held the first and second sessions, which lasted approximately two to four hours.
- During individual interviews, EMTs admitted that at the first or second session of the 2006 refresher training, Mastrianni made available to them, multiple continuing education attendance rosters and all refresher training attendance rosters for signature. He did this prior to holding any continuing education classes or completing the refresher training. Mastrianni put out all the attendance rosters on the table; EMTs lined up, signed the rosters during the first session of the refresher course, and left.
- Nyland said he had several conversations with Mastrianni, informing him he had to hold classes that would make up for the missing time and missing educational material.
- Nyland stated he told Chief Walter Cullen that there were problems with some of the EMS training courses at the Service. He said he told Cullen some of the classes were not held, and that EMTs were signing attendance rosters falsely representing their attendance at the classes. He said Cullen told him not to worry about it.
- Nyland stated he asked Mastrianni to remove his (Nyland's) name from the attendance roster for the 2006 refresher training course, but Mastrianni told him it was too late, because he had already submitted it to the Department.
- Nyland stated that several times over the early part of 2007, he advised all of the EMTs to take a refresher course somewhere else. Nyland told the Department that he and EMT Scott Janes took a second refresher in December of 2007 at Wenham Fire Department.
- Hamilton PD Ambulance submitted 21 signed attendance rosters to the Department for 2006 and 2007 continuing education courses. All these courses were video-based. All EMTs interviewed stated that these classes were either not held or held for a shorter length of time. Missing hours were not rescheduled and EMTs were permitted to sign continuing education class rosters ahead of time even though they were on duty as police officers and not present when the class was scheduled, or only in attendance for part of the class.
- During individual interviews, each of the EMTs verified their signatures on 14 continuing education rosters held in 2006 and 2007. The Department asked the EMTs if they attended all classes for which their signatures appeared. Each EMT told the Department that they did not attend any 2006 continuing education classes. With respect to the 2007 continuing education classes, the EMTs said they either did not attend these, or did not remember if these classes were ever held.
- The Department interviewed the following EMTs who admitted signing 2006 refresher training attendance rosters without fully attending such courses: Charles Downey, Scott Frost, Arthur Hatfield, Scott Janes, Michael Marchand, Kenneth Nagy, Robert Nyland, Kent Richards, Robert Sullivan, Karen Wallace, and Stephen Walsh.
- The Department interviewed the following EMTs who admitted signing 2006 continuing education attendance rosters for classes that did not take place: Matthew Donovan, Charles Downey, Scott Frost, Arthur Hatfield, Michael Marchand, David Mastrianni, Robert Nyland, Kent Richards, Robert Sullivan, Karen Wallace, and Stephen Walsh.
- For the 2007 continuing education classes, each EMT stated that rosters were made available to them on the first day of the 2007 EMT-Basic refresher course held in December. Each EMT admitted signing attendance rosters for classes that they did not attend or that they could not recall having been held: Joe Achadinha, Richard Barthelmess, Matthew Donovan, Scott Frost, Keith Holloran, Dana Martin, Kenneth Nagy, Andrew Neill, Brian Shaw, Stephen Trepanier, and Michael Wetson.
- The Department attempted to interview EMTs Michael Bean and Michael Girolimon, but they were unavailable. Their names and signatures appeared on 2007 continuing education rosters for courses that were not held.
- The Department reviewed officer duty rosters and confirmed that on many dates when continuing education or refresher training courses were scheduled, several of the EMTs who signed the attendance rosters were on duty as police officers during the hours of the training classes.
- Mastrianni admitted that often EMTs signed attendance rosters for classes they did not attend. Mastrianni stated that the EMTs were on duty and might be out on the road in a cruiser, or tied up on a

call somewhere at the time of class. Mastrianni stated it was very difficult to keep track of who was in the class and who was not in the class; who might have left and not returned so he let the EMTs sign, regardless of their attendance.

- The Department asked Mastrianni if he realized that he had submitted attendance rosters to the Department that were falsified; his response was yes he was aware of that.
- Mastrianni stated he had not intended on running training in 2006 because he was having personal problems that prevented him from having the time to commit to the classes. Mastrianni said that Cullen insisted that the EMTs have the continuing education hours and the refresher course, because many of them were up for recertification that year.
- Mastrianni stated that to meet Cullen's request, he "threw together at the last minute" a schedule for the refresher course, but was unable to follow through with each of the four sessions. Mastrianni also admitted that at the second session of the 2006 refresher course, he made the 2006 EMT continuing education rosters available for everyone to sign. Mastrianni stated that none of those classes had been held, but it had been his hope to hold classes before the end of the year. He said the continuing education classes were never actually held, but he signed the attendance rosters as the true record of attendance and submitted them to the Department in January 2007. All EMTs who signed rosters received continuing education credits toward their recertification.
- Mastrianni stated that the 2007 refresher course ran for the full 24 hours. The EMTs interviewed confirmed this statement. Mastrianni admitted to circulating the 2007 continuing education attendance rosters at the refresher that year, just as he did in 2006, for EMTs to sign. He admitted that the 2007 continuing education classes were not held. All EMTs who signed attendance rosters received continuing education credits toward recertification.
- Cullen, also an EMT, stated that he did not sign any of the attendance rosters for the 2006 refresher course and 2006/2007 continuing education classes. He admitted that the rosters contained his printed name and EMT number, and that the printing on many of the rosters looked like his printing. Cullen stated that he had had no need to take the 2006 refresher with Mastrianni, because he had already taken a refresher one month earlier. He said the signatures on the rosters next to his printed name were not his.
- Mastrianni said Cullen did not attend the classes represented by these rosters. Mastrianni stated that often Cullen had not signed the attendance rosters. Mastrianni admitted that he would sign for Cullen in order to complete the paperwork without having to chase people down.
- Cullen received continuing education credits and submitted an application for recertification based on the Service-sponsored 2006 continuing education courses that were not held.

#### Allegation 2, re: EMT refresher trainings and continuing education courses held prior to 2006

- EMT Michael Marchand stated that in the last 10 years of his time with the Service, continuing education rosters were always available for the officers to sign regardless of whether the classes were being held.
- EMT Paul Grant stated he did not take continuing education classes or refresher courses at the Service, but attended classes elsewhere because the practice of signing attendance rosters for classes that were either not held or not attended by those who had signed the attendance roster had been going on for years.
- Grant stated that Cullen allowed on-duty EMTs to sign the attendance rosters regardless of whether they actually attended the class. Grant stated that as far back as 2000, Mastrianni would instruct a Town of Hamilton dispatcher, Mary Stocking, to allow officers to sign the attendance rosters that had been left out for that purpose.
- Grant said that he spoke with Cullen several times over the years about the EMT training issues he observed at the Service and Cullen did not want to discuss it.
- Grant stated that in November 2007, in an executive session meeting of the Hamilton Board of Selectmen and Town Administrator Candace Wheeler, the information that Hamilton PD EMTs were signing attendance rosters for training that was never held came to light. Grant stated that at the

conclusion of that meeting, he informed Nyland that the town administrators were now aware of this long-standing practice

- Mary Stocking, a former dispatcher for the Town of Hamilton, stated that in 2000, while she was on duty as a dispatcher, Mastrianni would often leave EMT continuing education attendance rosters with her. Stocking stated that he would instruct her that EMTs would be coming in to sign the attendance rosters, but to be sure and leave a space open in the middle of the form for Cullen to sign.
- In the fall of 2000, Stocking said that she and her attorney met with Town Administrator Wheeler to report, among other things, the practice of falsified attendance rosters for EMT training. Stocking said that she was very upset with the way the Service was handling the falsification of training. Stocking reported that Wheeler responded that the matter would be taken care of. Stocking stated that no disciplinary actions were taken after the town looked into her allegations, and things continued as they always had in regards to the circulation of the attendance rosters. Stocking retired as a dispatcher shortly thereafter.
- Mastrianni was asked how long he had been conducting EMS training in the manner in which the 2006 and 2007 classes were done. Mastrianni stated that he always held EMT classes one way or another. He stated he would often come in on his free time to hold classes for an EMT who was coming off the night shift. Mastrianni admitted that that did not always happen, and over the years some of the classes for which EMTs had pre-signed attendance rosters were not held.
- EMTs Joe Achadinha, Keith Holloran and Andrew Neill stated in their separate interviews that they could not recall attending the 2005 continuing education classes and could not remember continuing education classes ever being held that year.
- Other EMTs interviewed stated that they did not recall classes prior to 2006 because they were too long ago.
- The Department was unable to verify specifically which of the Service's sponsored EMT training courses held in the years 2000 through 2005 were never held or partly held, and which EMTs falsified rosters for these courses.
- Mastrianni stated that he did not conduct formal written or practical testing during any refresher courses. Mastrianni described his testing process as a group discussion, in which he would ask questions and EMTs would give the correct answer. Mastrianni was asked how he came up with passing grades listed on the paperwork submitted to the Department. Mastrianni said he could not remember. Mastrianni stated that he conducted skills testing in the refresher courses.
- Mastrianni said he could not submit evidence of this testing format. He stated he had no idea that he had to keep paperwork on file. Mastrianni stated that he thought once the class or course was approved by the Department he did not have to keep anything.
- Marchand stated that the only skill testing that he remembers at refresher training sponsored by the Service involved CPR and use of an automatic external defibrillator. Marchand stated that sometimes the EMTs would have a group discussion at the refresher courses, but no written exam was given.

#### Allegation 3, re: regulatory ambulance service licensure violations

**Background:** During its investigation, the Department identified a number of ambulance service licensure requirement violations. The Department reviewed paperwork related to the Service's EMT-Basic enhanced skills and documentation with regard to the Service's Memorandum of Agreement (MOA) with Beverly Hospital. Under the governing regulations, Basic-level ambulance services are required to maintain an MOA with a hospital for medical oversight of their EMTs' administration of authorized medications and use of enhanced skills. Under the MOA, a hospital-based physician is required for ambulance services to stock, and EMTs to administer, medications authorized by the Protocols. Further, under Department requirements, Basic-level services must have an identified medical director, through an MOA, to provide medical oversight for use of glucose monitoring devices (glucometers), an optional enhanced EMT-Basic device carried on the Service's ambulances.

- Prior to arriving in Hamilton on September 23, 2008, the Department determined that the Service's MOA for medical oversight with Beverly Hospital (the Hospital) was out of date (2003), and was invalid because the Regional EMS Council was an inappropriate party to the MOA. Further, Beverly Hospital had informed the Department that it did not have an MOA with the Service.
- The Hospital's EMS Coordinator, Mark Millet, faxed the Department a copy of a December 20, 2007 letter to Cullen from Millet, informing him that the 2003 MOA was void and enclosed new MOAs for review and signature. The letter also informed Cullen that Dr. Steven Krendel was the physician who would be overseeing the MOAs with BLS ambulance services. Millet said that the Service never responded to this letter.
- When asked about the MOA, Cullen told investigators that Nyland was in charge of licensure paperwork for the Service. The Department asked Cullen who the Service's medical control physician was. Cullen said the physician was Dr. Steven Friedman. When informed by the Department that Dr. Friedman had not been at Beverly Hospital for some time, Cullen said he had not known that and did not know the identity of the Service's medical control physician. Cullen said he thought he had received a letter approximately a year ago from Beverly Hospital about some changes but was not clear on what that letter said.
- When the Department asked Nyland about the MOA, he retrieved a 2007 MOA with Beverly Hospital, which was incomplete. Start and end dates were left blank, and blanks were also left for initialing which BLS skills were covered by the MOA. Cullen and Nyland had no response to these observations.
- The Department subsequently contacted Millet regarding the 2007 MOA that Nyland had shown investigators. Millet stated he did not have such an MOA on file and that the Service did not have an MOA in effect with Beverly Hospital. Millet subsequently told the Department that within a week after the Department's investigative visit to the Hamilton PD, Beverly Hospital received the 2007 MOA, signed by Cullen, with initials next to BLS skills; the start and end dates of the MOA remained blank.
- Cullen was asked whether the Service's EMTs had been trained to use the glucometers carried on the ambulances. Cullen stated, "If we are carrying this equipment, we must have been trained." Cullen added that would be up to Mastrianni, because he was in charge of the EMS training.
- At the September 23, 2008 visit, the Department observed that version 5.01 of the Protocols was currently being used by the Service; this version has not been in effect since January 2006 and has been revised and updated several times in the interim. Nyland said he had been unaware of the current version of the Protocols until two days before the Department's visit.
- The Department asked Mastrianni if he conducted any continuing education classes on Protocols review, changes to the Protocols, the use of aspirin for cardiac patients (a skill added to EMT-Basics' scope of practice after the initial training of many of the Service's EMTs), or the use of glucometers. Mastrianni said he had done no such training over the last five years, at the very least.
- The Department asked Cullen and Nyland if the service had a registration with the Department's Drug Control Program for the epinephrine auto injectors (EpiPens), which is required of all ambulance services. Both said the Service did not have such registration, and that they did not know it was needed. The Department also reviewed the security and handling of the EpiPens and found three adult dose EpiPens that had expired as of May, July, and September, 2008 respectively. The EpiPens were not secured in a locked compartment and had not been checked for their integrity by the staff.
- On September 23, 2008, the Department's investigators issued the ambulance service licensee Notices of Serious Deficiencies seeking a Plan of Correction to redress the identified deficiencies. The Department's investigators also removed the specialized equipment (glucometers and the expired EpiPens) on the ambulance. The expired EpiPens were immediately replaced by the Service while the Department was still on site.
- The Department conducted a random review of the Service's trip records. It showed that the Service failed to meet all the minimum data element regulatory requirements 93% of the time in 2006 and 89% of the time in 2007. The deficiencies identified included: omission of vital signs and information regarding EMT-Basic treatment, such as aspirin administration for acute coronary syndrome or oxygen administration for other medical patients.

**Finding:** Valid with respect to all three violations.

**Ambulance Service:** The Service violated numerous EMS System regulations and Department requirements in its dual role as an ambulance service licensee and training program sponsor. The Service sponsored non-existent or invalid and incomplete training for its EMTs; allowed its EMTs to falsify documents attesting to their attendance at such trainings; and allowed its agent, EMS Training Officer Mastrianni, to submit falsified records to the Department for recertification of its EMTs. The Service engaged in a pattern and practice of using EMS personnel who were not validly certified and not appropriately trained to carry out patient care to the public, thus endangering the public health and safety. In addition, the Service violated numerous regulations governing conditions of licensure related to medical control and direction, Drug Control Program registration, and trip record documentation. Based on these significant and long-standing violations, the Department determined that the Service is not qualified to continue to provide ambulance service to the public.

**EMT-Paramedic David Mastrianni:** The Department determined that David Mastrianni violated numerous EMS System regulations and requirements and falsified training records in his capacity as the Service's EMS Training Officer. Mastrianni also falsely signed attendance rosters for his own recertification as a paramedic.

**Hamilton EMTs:** The Department individually analyzed the training and recertification records of all the Service's EMTs. Based on this review, the Department found that the following 12 EMTs failed to complete training requirements required for recertification, and falsified documents to renew their certifications: Michael Bean, EMT #841299; Walter Cullen, EMT #068530; Scott Frost, EMT #829368; Arthur Hatfield, EMT #091498; Michael Marchand, EMT #828149; Dana Martin, EMT #841303; Kent Richards, EMT #841418; Brian Shaw, EMT #811946; Robert Sullivan, EMT #850546; Karen Wallace, EMT #815065; Stephen Walsh, EMT #859023 and Michael Wetson, EMT #844276.

The following 11 EMTs falsely signed attendance rosters. They did not falsify documents to renew their certification recertification because they either met the training requirements through courses held outside the Hamilton Police Department or they have not yet applied for recertification: Joe Achadinha, EMT #861421; Richard Barthelmess, EMT # 820079; Matthew Donovan, EMT #830713; Charles Downey, EMT #819569; Michael Girolimon, EMT #873441; Keith Holloran, EMT #854926; Scott Janes, EMT #808464; Kenneth Nagy, EMT #816406; Andrew Neill, EMT #853816; Robert Nyland, EMT #130126; Stephen Trepanier, EMT #809291.

Based on the analysis of training records, the Department determined that following EMTs did not falsify rosters and met their EMT recertification training requirements through courses held outside the Hamilton Police Department: Jeffrey Cross, Sean Cullen, Donald Dupray and Paul Grant. The findings as to these EMTs are invalid.

**Resolution Plan:** Referred to the Department's Office of General Counsel with recommendations for agency actions for the Service, Mastrianni and 12 other Hamilton EMTs. The other 11 Hamilton EMTs will be issued Letters of Reprimand for falsely signing attendance rosters, and will be required to complete remediation as ordered.